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Date: August 29, 2005

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	ow via courier	Fax: (650) 493-6811  Original will not follow
Message: Attached is a Supplemental (Expedited) Petition to Application No.: 10/791,439 Date Filed: March 2, 2004 Art Unit: 3621 Confirmation No.: 3435 Title: Method and System for Identifying Users Inventor: On Eisen	· .	

` Ref: 31718-701-201

Return Original to: Lydia C. Vosburgh

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Location: FH1-2-K

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PTO/SE/21 (09-04)
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						Examiner Name		Not	Yet Assigned
To	tal Number of	Pages	in This Submission	23		Attorney Docket	Number	317	18-701.201
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I hereb	y certify that the as first class	this con mail ir	respondence is being fa	csimile tra	nemitted	to the USPTO or depo- for Patents, P.O. Box 1	sited with th	e United dria, VA	States Postal Service with sufficient 22313-1450 on the date shown below.
Signati			Lixair C.						
Typed	or printed nan	ne	Lydia C. Vosburgh				Date	August	30, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FRES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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### No-6061 P. 3.

### AUG 3 0 2005

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PATENT

DOCKET NO.: 31718-701.201

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re Patent Application of	)
Applicant(s): Ori Eisen	) Art Unit: 3621
Serial No.: 10/791,439	) Examiner: Not Yet Assigned
Filed: March 2, 2004	) Confirmation No.: 3435
Title: METHOD AND SYSTEM FOR IDENTIFYING USERS AND DETECTING FRAUD BY USE OF THE INTERNET	} } }
Note that the state of the stat	

Mail Stop Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## SUPPLEMENTAL (EXPEDITED) PETITION TO EXPUNGE PART OF ORIGINAL DISCLOSURE (37 C.F.R. § 1.183)

Sir:

Applicant hereby submits this Supplemental Petition to be considered together with the Expedited Petition to Expunge Part of Original Disclosure / Suspend the Rules under 37 C.F.R. § 1.183 filed on August 25, 2005 (the "Original Petition"). These petitions request waiver of the requirements of 37 C.F.R. § 1.59(a) and their expedited consideration is respectfully requested.

The chart containing personal information submitted as part of the instant patent application (the "Chart") contains personal information that was filed as part of the original disclosure on March 2, 2004. Applicant previously submitted substitute sheets entitled "Figure 1" in the Original Petition for immediate entry into the record in place of the Chart, if possible. However, upon further consideration of Figure 1 and its contents, Applicant hereby submits amended substitute sheets ("Amended Figure 1") in the alternative. Amended Figure 1 redacts or removes portions of the Chart, and does not introduce new text that could be possibly construed as new matter. All other remedial actions deemed necessary to prevent public disclosure of the Chart and its contents is again respectfully requested.

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The basis for this petition under 37 C.F.R. § 1.183 and why justice requires suspension of the rules (37 C.F.R. § 1.59(a)) in this extraordinary situation are provided below.

#### REMARKS

The instant patent application is related generally to electronic commerce (e-commerce) transactions and solutions for identifying computers, particularly those associated with fraudulent online transactions. In order to explain concepts of the invention provided herein, it was intended for the Chart to include information about fictional online users including phony names, e-mail address, credit card information. Whether the underlying information in the Chart is fictitious or not adds no real value for purposes of describing and explaining the concepts of the invention. References to the Chart in this application are as follows:

- 1. In the last paragraph on p. 5 of the patent application (five lines from the bottom of the page), the following reference is made to the Chart "Referring to the chart, what is shown is a series of typical transactions on the Internet between a merchant and several customers."
- 2. Under the section entitled "Brief Description of the Chart," the following reference is made to the Chart "The chart illustrates the versatility and accuracy of the present invention in weeding out possible fraudulent online transactions."

Applicant contends that Amended Figure 1 submitted herewith includes redacted portions of the entries submitted in the original Chart, and therefore does not introduce new matter. The first or last names of individuals have been deleted in the Amended Figure 1 without the addition of any new text. Moreover, the "domain" portions of e-mail addresses from the Chart have also been replaced with the "local-part" or the name of an individual which precede the "@" symbol, e.g., Bob@bob.com. Finally the partial credit card numbers remain crossed-out (X) entirely. As explained above, none of the details in of the Chart is necessary to describe and claim the invention as required under applicable patent statutes and rules.

#### CONCLUSION

Because information forming part of the original disclosure may not be expunged as stated under 37 C.F.R. § 1.59(a) in general, Applicant hereby requests suspension of the rules pursuant to 37 C.F.R. § 1.183. Based upon inspection of the record and papers submitted to date, the instant petition should be granted. Applicant respectfully requests that:

- (1) the Chart be expunged from the original disclosure and that it not be published or otherwise disclosed to the public such as by inspection of the physical files or the PAIR access site; and
- (2) Figure 1 be entered into the record in place of the Chart, or in the alternative, entry of Amended Figure 1 is requested should there be any concerns regarding introduction of new matter. Favorable and prompt action on this expedited request is respectfully solicited in this extraordinary situation.

The Commissioner is hereby authorized to charge applicable fees as required by 37 C.F.R. § 1.17(h) or for expedited consideration of this petition or the Original Petition, and any other additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No.: 31718-701.201).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI Professional Corporation

Dated: August 30, 2005

U. P. Peter Eng

Registration No.: 39,666

650 Page Mill Road Palo Alto, California 94304-1050

Telephone No.: (650) 493-9300

Facsimile No.: (650) 493-6811

Postal Service as first class mail to the Patent and Trademark Office on \_\_\_\_\_\_\_\_ Signature: Lydin C. Voskury Print Name: LYDIA C. VOSBURGH

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If you need assistance in complaint the form, call 1-200-PTO-9199 and select option 2.

**PATENT** 

DOCKET NO.: 31718-701.201

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	RECEIVED CENTRAL FAX CENT	'EF
Applicant(s): Ori Eisen )	Art Unit: 3621 AUG 3 0 2005	į
Serial No.: 10/791,439	Examiner: Not Yet Assigned	
Filed: March 2, 2004	Confirmation No.: 3435	
Title: METHOD AND SYSTEM FOR ) IDENTIFYING USERS AND ) DETECTING FRAUD BY USE OF ) THE INTERNET )		
Mail Stop Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		

## (EXPEDITED) PETITION TO EXPUNGE PART OF ORIGINAL DISCLOSURE (37 C.F.R. § 1.183)

Sir:

Applicant hereby petitions to suspend the rules under 37 C.F.R. § 1.183 in order to expunge a chart containing personal information (the "Chart") from the disclosure originally filed in this application. This petition requires a waiver of the requirements of 37 C.F.R. § 1.59(a). Expedited consideration of this petition is respectfully requested.

The Chart in the instant patent application contains personal information that was filed as part of the original disclosure on March 2, 2004. Applicant respectfully requests that the present petition be granted, and hereby submits a substitute sheet entitled "Figure 1" to replace the Chart in the event the substitute sheet can be immediately entered into the record following consideration of this petition. In the alternative, Applicant requests permission to submit the substitute sheet later during prosecution for consideration by the responsible Examiner. Applicant further requests that the originally filed Chart be made not available to the public and non-viewable on the Public Patent Application and Information Retrieval (PAIR) access site.

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Other remedial actions that may become necessary to prevent public disclosure of the Chart and its contents is also respectfully requested.

The basis for this petition under 37 C.F.R. § 1.183 and why justice requires suspension of the rules (37 C.F.R. § 1.59(a)) in this extraordinary situation are provided below.

#### REMARKS

The instant patent application entitled "Methods and Systems for Identifying Users and Detecting Fraud by Use of the Internet" was filed on March 2, 2004. Due to a miscommunication between the applicant inventor Ori Eisen and his attorney, this submission included a Chart containing personal information and partial excerpts of non-fictitious information for non-fictitious persons. The Chart unfortunately contains real names of people, their respective e-mail addresses, and partially redacted credit card numbers.

There is nothing in the record that supports the need for the kinds of private information included in the originally filed Chart. The instant patent application is related generally to electronic commerce (e-commerce) transactions and solutions for identifying computers, particularly those associated with fraudulent online transactions. In order to explain concepts of the invention provided herein, it was intended for the Chart to include information about fictional online users including phony names, e-mail address, credit card information. Whether the underlying information in the Chart is fictitious or not adds no real value for purposes of describing and explaining the concepts of the invention in the instant application. Meanwhile, the magnitude of possible harm in the event the originally filed Chart were to be published is significant. This was an inadvertent error committed during the filing of the instant patent application and the Chart must be expunged from the record in the interests of justice.

Below are facts that are believed to be relevant to this petition:

- 1. The instant patent application (Patent Application Serial No. 10/791,439) was filed on March 2, 2004.
- 2. The patent application as filed contained fourteen (14) pages including claims, and also an additional enclosure identified as "Chart" in the application transmittal.

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- 3. The application transmittal further included a Request for Non-Publication pursuant to 35 U.S.C. 222(b)(2) and was not the subject of an application filed in another country requiring publication of the application 18 months after filing of the application.
- 4. The originally filed Chart consists of forty-two (42) pages contains numerous dates, e-mail addresses, names and partially redacted credit card numbers.
- 5. The Chart appears to be a printout from an Excel document with improper pagination whereby columns run-off the letter sized spreadsheet configured with a portrait-style layout.
- 6. In the last paragraph on p. 5 of the patent application (five lines from the bottom of the page), the following reference is made to the Chart "Referring to the chart, what is shown is a series of typical transactions on the Internet between a merchant and several customers."
- 7. Under the section entitled "Brief Description of the Chart," the following reference is made to the Chart "The chart illustrates the versatility and accuracy of the present invention in weeding out possible fraudulent online transactions."

A review of the Chart and its contents clearly demonstrates that it was unintentionally submitted. The printout and format of the Chart further lends support to the conclusion that it was submitted by mistake in that the pagination error caused the Chart to nearly triple in length. Moreover, the transaction information provided in the Chart was provided to serve as exemplary transactions in which fraud could be detected in accordance with the invention. Applicant contends that none of the content provided in the Chart is necessary to describe and claim the invention as required under applicable patent statutes (Title 35 U.S.C.) and governing rules, nor is such information material to patentability or would otherwise be considered important by a reasonable examiner.

This error was only recently uncovered during the inspection of the file for this application by new counsel for Applicant. A Power of Attorney for new counsel was filed on June 20, 2005. Upon recent inspection of the record to confirm the inadvertent filing of the Chart, Applicant is diligently filing this petition to expunge. Furthermore, because Applicant requested non-publication of the patent application under 35 U.S.C. 222(b)(2), this application is not currently scheduled for publication. In the event a patent issues from this patent application, or if Applicant decides to withdraw the non-publication request, the interests of justice require C.N.P.POTIDNPALIBILICY 2711703\_1.DOC

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U.S. Serial No.: 10/791,439 Docket No.: 31718-701.201

that the Chart be expunged from the record. Because information forming part of the original disclosure may not be expunged as stated under 37 C.F.R. § 1.59(a) in general, Applicant hereby requests suspension of the rules pursuant to 37 C.F.R. § 1.183 in this instance.

Based upon these facts and inspection of the originally filed patent application, Applicant's petition should be granted. Applicant requests that the Chart be expunged from the original disclosure and that it not be published or otherwise disclosed to the public such as by inspection of the physical files or the PAIR access site. Favorable and prompt action on this expedited request is respectfully solicited in this extraordinary situation.

The Commissioner is hereby authorized to charge the fee of \$ 130.00 as required by 37 C.F.R. § 1.17(h), the fee of \$ 400.00 for expedited consideration of this petition, and any other additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No.: 31718-701.201).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI Professional Corporation

Dated: August 25, 2005

U. P. Peter Eng

Registration No.: 39,666

650 Page Mill Road
Palo Alto, California 94304-1050
Telephone No.: (650) 493-9300
Facsimile No.: (650) 493-6811